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Stephen Bergstein

*Of Counsel*  
Helen G. Ullrich

December 2, 2015

Hon. Cathy Seibel  
United States District Court  
Southern District of New York  
300 Quarropas Street  
White Plains, N.Y. 10601

Re: *Barboza v. D'Agata et al*  
13 Civ. 4067 (CS)

Dear Judge Seibel:

Along with the New York Civil Liberties Union, this firm represents plaintiff. As the Court may be aware, plaintiff and defendant Robert Zangla have filed a Second Circuit Rule 42.1 stipulation with the Court of Appeals. This stipulation withdraws the appeal *without* prejudice, subject to reinstatement by January 29, 2016. (In my experience, the Court of Appeals has extended the deadline to reinstate appeals under Rule 42.1). I wish to place this stipulation in context.

This stipulation was filed because plaintiff and the Village have filed motions with Your Honor for leave to immediately appeal the summary judgment rulings. As the outcome of these motions may affect the contents of the Joint Appendix and the briefing schedules, counsel for plaintiff and Zangla agreed to temporarily stay the appeal.

Very truly yours,



Stephen Bergstein

cc: Mariko Hirose, Esq.  
Samuel Yasgur, Esq.  
Adam Rodd, Esq.